

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1470

Introduced by Assembly Member Evans

February 27, 2009

An act to amend Section ~~23399.3~~ 23396.5 of the Business and Professions Code, relating to alcoholic beverages.

LEGISLATIVE COUNSEL'S DIGEST

AB 1470, as amended, Evans. Alcoholic beverage licensees: ~~hospitals.~~ *winegrowers.*

The Alcoholic Beverage Control Act contains various provisions regulating the application for, the issuance of, the suspension of, and the conditions imposed upon, alcoholic beverage licenses by the Department of Alcoholic Beverage Control. Under existing law, ~~the department may issue an on-sale special beer and wine license for hospitals, convalescent homes, and rest homes, which authorizes the sale or service of beer and wine in those areas under specified~~ *circumstances a licensed winegrower that is exercising specified privileges may allow a person who has purchased and partially consumed a bottle of wine to remove that bottle from the premises upon departure.*

This bill would ~~remove the reference to “rest homes” and instead refer to “senior care facilities.”~~ *restrict the authorization of licensed winegrowers to allow a person who has purchased and partially consumed a bottle of wine to remove that bottle from the premises to those licensed winegrowers exercising the privilege of selling wine to consumers for consumption on the premises.*

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 23396.5 of the Business and Professions
2 Code is amended to read:
3 23396.5. Notwithstanding any other ~~provision~~ of law, any
4 on-sale licensee, which maintains a bona fide eating place in
5 conjunction with such license, or any winegrower that is exercising
6 a privilege pursuant to *paragraph (3) of subdivision (a)* of Section
7 23358, may allow any person who has purchased and partially
8 consumed a bottle of wine to remove ~~such~~ *the* partially consumed
9 bottle from the premises upon departure.
10 ~~SECTION 1. Section 23399.3 of the Business and Professions~~
11 ~~Code is amended to read:~~
12 ~~23399.3. (a) An on-sale special beer and wine license for~~
13 ~~hospitals, convalescent homes, and senior care facilities, authorizes~~
14 ~~the sale or service of beer and wine purchased from a licensed~~
15 ~~winegrower or beer and wine wholesaler only to patients or~~
16 ~~residents of the licensed hospital, convalescent home, or senior~~
17 ~~care facility. Such a license shall not be transferable from person~~
18 ~~to person and no off-sale privileges shall be exercised under such~~
19 ~~a license. Nothing in this section shall be construed to require a~~
20 ~~license for the service of beer and wine purchased at retail.~~
21 ~~(b) As used in this section, "senior care facility" includes an~~
22 ~~apartment building, whether licensed or unlicensed, which rents~~
23 ~~exclusively to persons age 62 and older, and provides one to three~~
24 ~~meals daily for tenants.~~